

**JUDGE MICHAEL'S POLICY REGARDING
AGREED ORDERS REGARDING RELIEF FROM THE AUTOMATIC STAY**

The Court encourages settlement of motions for relief from the automatic stay through the submission of agreed orders. Judge Michael is aware that, in many cases, motions for relief from the automatic stay are settled by an agreement which gives the debtor(s) a certain amount of time to bring their obligations current, coupled with an agreement that if the debtor(s) fails to bring the arrearage current and/or defaults on payments due in the future, the creditor may obtain relief from the automatic stay on an *ex parte* basis. All such orders presented to Judge Michael must contain a provision which requires the submission of a verified statement by a non-attorney representative of the creditor establishing the factual basis for the alleged default and establishing that all notice required under the agreed order has been given. Agreed orders which do not contain such a provision will be returned. In the event of a default, the required verified statement may be attached as an exhibit to the request for the order granting relief or may be filed as a separate pleading. The Court will not enter an order granting relief from the automatic stay absent submission of the verified statement.

In addition, agreed orders relating to motions for relief from the automatic stay in Chapter 13 cases **must** contain the following provision:

Should relief from the automatic stay be granted, the Trustee shall be authorized to cease all payments to the Movant under the Chapter 13 plan and he shall be further authorized to disburse any funds that (Creditor) would otherwise have been entitled to receive to other creditors in the case.

Orders ultimately granting relief from the automatic stay in a Chapter 13 case must contain the following provision:

The Trustee is hereby authorized to cease all payments to the Movant under the Chapter 13 plan and he is further authorized to disburse any funds that (Creditor) would otherwise have been entitled to receive to other creditors in the case.

Orders which do not contain the required language will not be entered and will be returned to the party submitting them.